



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

Writ Petition (MD) No.1301 of 2015 and
MP(MD)Nos.1 and 2 of 2015

R.Ashok Kumar

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Petitioner

Vs.

1.The State of Tamil Nadu rep
by the Secretary to Government,
School Education Department,
Secretariat, Chennai 9.

2.The Director of School Education,
College Road, Chennai 6.

3.The Chief Educational Officer,
Trichy District, Trichy.

4.The District Elementary Educational Officer,
Trichy District.

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Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 4th respondent in connection with the order passed by him in his Proc.O.Mu.No.4791/A3/2014 dated 13.10.14 and quash the same and direct the respondents to refix the Scale of Pay of the petitioner on par with his junior namely S.Kasthuri B.T.Assistant (History) Panchayat Union Middle School Koppampatti Turaiyur Taluk Trichy District as per G.O.Ms.No.57 Finance (Pay Cell-II) Dept. dated 29.1.1991 with effect from the date of anomaly from 1.1.11 onwards with all monetary and service benefits.

For Petitioner : Mr.R.Singaravelan

For Respondents : Mr.V.Muruganandam,
Additional Government PleaderORDER

Heard the learned counsel appearing for the petitioner and Mr.V.Muruganandam, learned Additional Government Pleader who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner is aggrieved against the order passed by the fourth respondent dated 13.10.2014 whereby his claim for parity in pay with all his juniors working in the same school was rejected by the fourth respondent.



3. According to the petitioner, the competent authority is the first respondent before whom he has already made a representation and on the other hand, the fourth respondent himself has passed the impugned order.

4. Mr. R. Singaravelan, learned counsel for the petitioner submits that the petitioner is entitled to get the benefit of G.O. Ms. No. 57, Finance (Pay Cell II) Department, dated 29.01.1991 to get parity of pay.

5. Whether the petitioner is entitled to get the benefit of the said Government Order to his case or not, is for the first respondent to consider and decide the same and therefore, this Court, at this stage, is not expressing any view on the claim made by the petitioner. Even though it is stated that the petitioner has made a representation on 13.01.2015, a copy of the said representation enclosed in the typed set of papers does not contain any date and acknowledgment. Therefore, this writ petition is disposed of only with a direction to the petitioner to make a fresh representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent shall consider the claim of the petitioner and pass appropriate orders on merits and in accordance with law including the question of applicability of G.O. Ms. No. 57, Finance (Pay Cell II) Department, dated 29.01.1991 without reference to the order passed by the fourth respondent impugned in this writ petition within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,

Government of Tamil Nadu, School Education Department,
Secretariat, Chennai 9.

2. The Director of School Education, College Road, Chennai 6.

3. The Chief Educational Officer, Trichy District, Trichy.

4. The District Elementary Educational Officer, Trichy District.

+One cc to The Special Government Pleader, SR.No.5245

+One cc to Mr. D. Selvanayagam, Advocate, SR.No.5068

sms

RL/7c - 13/2/2015

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03.02.2015